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REF : (A) 2007 PARIS 4170 ; (B) 2008 PARIS 1071

SUBJECT: FRENCH BIOTECH POLICY MEASURES BOGGED DOWN

¶1. Summary: A working group formed by the French Ministry of Agriculture will meet in February to provide recommendations on coexistence rules. In view of the fact that both the working group and the High Biotech Committee will include representation from environmental NGOs and other stakeholders in addition to scientists, political considerations will influence the outcome. The High Biotech Committee, created by decree on December 7, will use the conclusions of this working group to formalize recommendations on coexistence to the French Government. The High Biotech Committee is not yet operational, as French authorities have not been able to compromise on a president for this authority. End Summary.

Background

¶2. A national environmental review in 2007 (ref A) (which resulted in the dissolution of the previous, science-based competent authority) and an EU threat to impose significant fines for failure to implement EU Directive 2001/18 on the release of GE products in the environment in a timely manner, prompted France to pass a biotech bill in June 2008 (ref B).

¶3. This legislation called for a new biotech authority (High Biotech Committee) whose mission, as defined in the biotech bill, is to provide advice to the French Government on a wide range of issues relative to biotech products. More specifically, its purview includes responsibility for proposing a definition for non-biotech products; recommending coexistence measures for biotech and non-biotech crop cultivation; and reviewing applications on the confined use of GE products and on the release into the environment (cultivation) of a large number of GE products.

¶4. The new authority was created by decree on December 7, 2008 (ref C). Recently, the Government's announced candidate for the Committee's presidency was rejected by the Economic committees of the National Assembly and the Senate, an indication of the position's sensitivity. Members will serve five-year terms and will be nominated by decree published in the French Official Journal.

Working Group on Biotech and Non-Biotech Coexistence

¶5. Despite the fact that the Ministries of Agriculture and Environment have administrative authority to adopt coexistence measures, they decided to establish a working group to propose

measures for consideration to the High Biotech Committee (composition of the working group is detailed below.) This decision was reportedly made after figures on cropping distances appeared in the press and stakeholders demanded input. The working group composition is to reflect participation in the 2007 national environmental consultation, which subsequently led to the 2008 freeze on MON810 cultivation in France. The group will include scientific researchers, farmer representatives, environmental NGOs, the agri-food industry and local authorities. The working group is expected to meet in February 2009 but further details are not currently available.

¶6. Comment: The composition of the Committee and the working group on coexistence all but ensure a political outcome to deliberations. Due to the fact that the High Biotech Committee has not yet been formed, resumption of commercial production of GE crops is not expected before 2010. The viability of any future commercial production will be heavily influenced by the biotech crop coexistence measures adopted by the French Government on the basis of recommendations made by the working group and the High Biotech Committee. Post is planning several outreach activities with a view toward encouraging a science-based approach to the coexistence issue. The target audience includes: Parliamentarians (in cooperation with a pro-biotech Senator), regulators, scientists, and selected journalists. Speakers will include a State/EEB-funded biotech outreach speaker, the president of France's previous biotech authority, who recently visited the United States, and possibly regulators from other European countries with viable coexistence programs. End Comment.